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July 25, 2008

## VIA ELECTRONIC MAIL

Honorable Paul A. Crotty  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street, Room 735  
New York, NY 10007

*July 29, 2008*  
*Exhibits I-1 and I-2*  
*are received in Evidence*  
*sordered*  
*Paul M. Crotty*  
*U.S.D.S.*

Re: United States v. James Bonczek, No. 08 Crim. 361

Dear Judge Crotty:

At the July 9 hearing on the defendant's suppression motion in the above-captioned action, the Court kept the record open so that the defendant could introduce records produced by Stuyvesant Town. Stuyvesant Town has produced these records and the defendant hereby offers them into evidence as Exhibits I-1 and I-2. Accompanying Exhibits I-1 and I-2 is an affidavit of Stuyvesant Town employee Diedre Fleming concerning the records' authenticity.

I have shared Exhibits I-1 and I-2 and the Fleming Affidavit with AUSA Kasulis, who has represented that the Government does not oppose Exhibits I-1 and I-2 being received into evidence.

We request that Your Honor "so-order" this letter if Exhibits I-1 and I-2 are received into evidence.

Respectfully submitted,

*[Signature]*  
Susan R. Necheles

SRN/jrg

cc: AUSA Telemachus Kasulis (via electronic mail)

MEMO ENDORSED

MEMO ENDORSED

## History by Tag ID

Date Range: 10/17/07 to 10/18/07

Tag/Ring ID	User ID	Reason	Check Out Data	Time Out	Time In	Tag Type	Ring ID
6SOA	VEGA	Emergency		10/17/2007 08:25:05 pm		Ring	
6SOA	PESTIC	Unrequested Access			10/17/2007 08:13:16 pm	Ring	

*Activity Report**65/0 8H*

## History by Tag ID

Date Range: 10/10/07 to 10/20/07

Tag/Ring ID	User ID	Reason	Check Out Date	Time Out	Time In	Tag Type	Ring ID
6SO-08H	HERNANDEZ	Unrequested Access		10/16/2007 11:17:10 am		Apartment	
6SO-08H	CAMPBELL	Unrequested Access			10/16/2007 12:26:13 pm	Apartment	
6SO-08H	BERNARD	Emergency		10/17/2007 08:31:04 pm		Apartment	
6SO-08H	PESTIC	Unrequested Access			10/17/2007 09:13:16 pm	Apartment	
6SO-08H	VEGA	Emergency		10/17/2007 10:40:56 pm		Apartment	
6SO-08H	CAMPBELL	Unrequested Access			10/18/2007 04:37:59 pm	Apartment	
6SO-08H	GAMBA	Emergency		10/18/2007 08:07:24 pm		Apartment	
6SO-08H	ADAMES	Unrequested Access			10/18/2007 08:22:41 pm	Apartment	

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**UNITED STATES OF AMERICA,**

**-against-**

**JAMES BONCZEK,**

**Defendant.**

**08 CRIM 361 (PAC)**

**AFFIDAVIT OF DEIDRE FLEIMING CONCERNING  
DOCUMENTS PRODUCED BY STUYVESANT TOWN**

STATE OF NEW YORK                    )  
                                              :     SS.:  
COUNTY OF NEW YORK                )

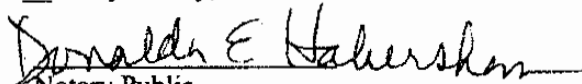
Deidre Fleming, being duly sworn, states as follows:

1. I am employed by Stuyvesant Town as a lieutenant of the security department.
2. One of my duties is to supervise the employees responsible for maintaining the security department's records.
3. The security department employs a "key-tracking" system that records when Stuyvesant Town employees take keys to enter a Stuyvesant Town apartment.
4. Pursuant to the July 9, 2008 Order of Judge Crotty, I have reviewed the key-tracking system's records for all records pertaining to Apartment 8H, 6 Stuyvesant Oval, for October 17 and 18, 2007.

5. Stuyvesant Town possesses two keys to Apartment 8H, 6 Stuyvesant Oval.  
One key is a "master key" for all apartments in 6 Stuyvesant Oval. The other key is a key specific to Apartment 8H.
6. The records reflect that on October 17, the master key for 6 Stuyvesant Oval was checked out by Sergeant Vega at 8:25 p.m.
7. The records reflect that the master key was returned by Stuyvesant Town employee Pestic at 9:13 p.m. on October 17.
8. The records reflect that on October 17, the key to Apartment 8H was checked out by Stuyvesant Town employee Bernard at 8:31 p.m.
9. The records reflect that the key to Apartment 8H was returned by Stuyvesant Town employee Pestic at 9:13 p.m. on October 17.
10. The records reflect that the only other time the key to Apartment 8H was checked out on October 17 was at 10:40 p.m. by Sergeant Vega.
11. The records reflect that the key to Apartment 8H was returned by Stuyvesant Town employee Campbell on October 18 at 4:37 p.m.

  
Deirdre Fleming

Sworn to before me this  
25<sup>th</sup> day of July, 2008

  
Notary Public

DONALDA E. HABERSHAM  
Notary Public - State of New York  
No. 01HA5043977  
Qualified in Bronx County  
Commission Expires May 22, 2011